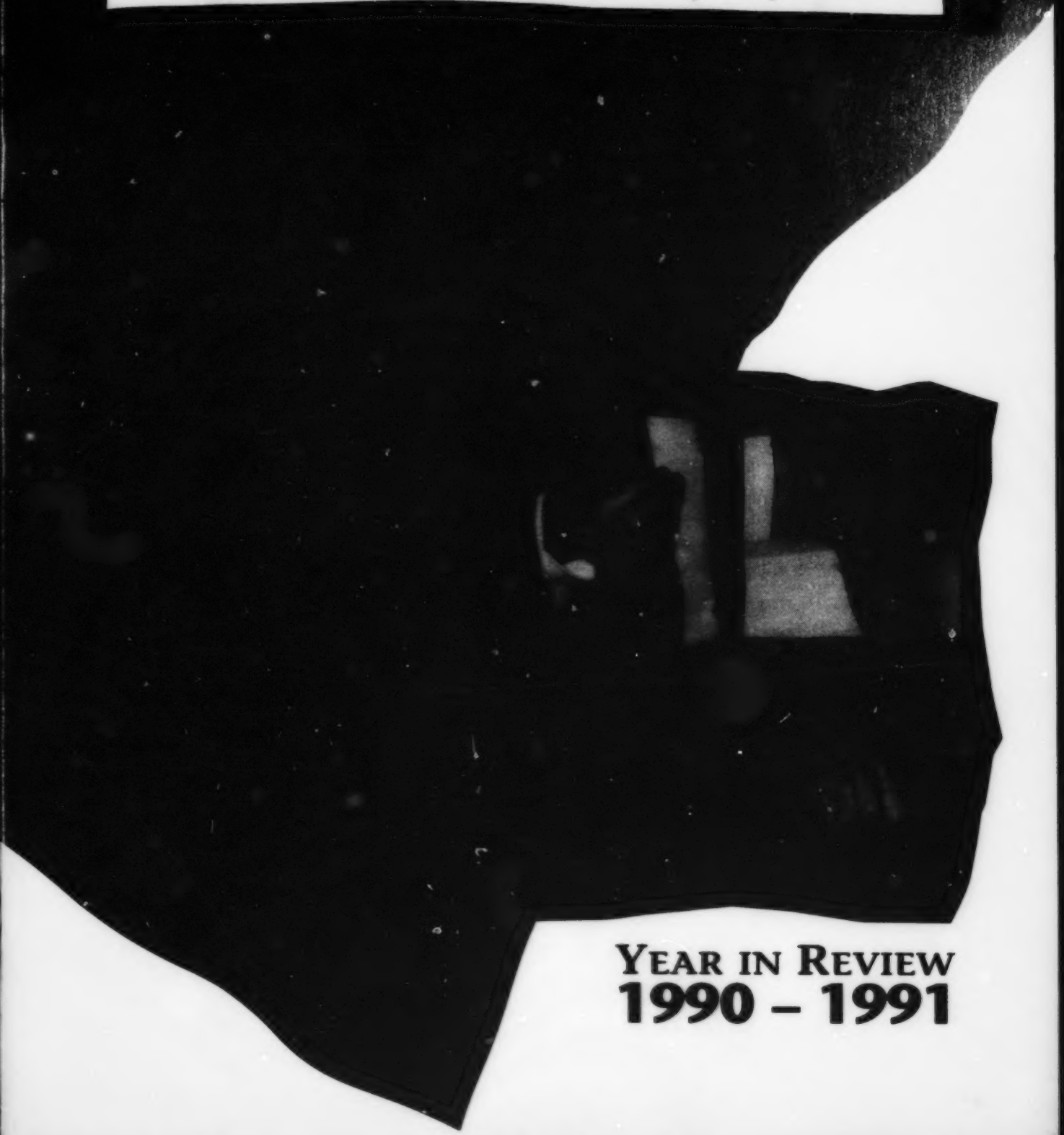
Legal Services Society of B.C.



YEAR IN REVIEW
1990 – 1991

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The *Year in Review* is a summary of Legal Services Society activities for the year 1990-1991. The official *Annual Report*, including audited financial statements, is available only after it has been tabled in the legislature.

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Mandate

The Legal Services Society Act was passed unanimously by the provincial legislature on 30 July 1979. It gave the Society a twofold mandate: to provide legal representation and legal education to the people of British Columbia.

The Act says that the Society shall ensure:

3.(1) (a) that services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons

and

(b) education, advice and information about the law are provided for the people of British Columbia

(2) The Society shall ensure that legal services are available for a qualifying individual who:

(a) is a defendant in criminal proceedings that could lead to his (or her) imprisonment

(b) may be imprisoned or confined through civil proceedings

(c) is or may be a party to a proceeding respecting a domestic dispute that affects his (or her) physical or mental safety or health or that of his (or her) children

or

(d) has a legal problem that threatens

- his (or her) family's physical or mental safety or health
- his (or her) ability to feed, clothe and provide shelter for himself (or herself) and his (or her) dependents
- his (or her) livelihood

Report from the Chair

The 1990/91 fiscal year was eventful. It began with a government proposal to legislatively curtail the Society's independence. It ended in the midst of a withdrawal of services by a large part of the legal aid bar.

In both cases the outcome was positive for the Society. A concerted effort by representatives of the Law Society, the Canadian Bar Association, the Board of the Society itself, and other constituencies within the Legal Services Society mandate, persuaded the government to reconsider their proposed amendments. They did not go forward.

Negotiations involving the Legal Aid Liaison Committee (made up of representatives from the Law Society, the Canadian Bar Association, and the Legal Services Society) ultimately resulted in a significant increase in tariffs early in the 1991/92 fiscal year.

Other developments in the 1990/91 fiscal year include:

1. Introduction of flexible financial eligibility guidelines

At the beginning of the year the Society was able to implement flexible financial eligibility guidelines for legal aid. These new guidelines are based on a more realistic assessment of a person's need and are designed to provide assistance to the working poor.

The introduction of these guidelines implemented one of the major recommendations made by the Justice Reform Committee in 1988.

2. Provision of a toll-free line for people arrested and accused

People detained in custody can now phone toll-free from anywhere in the province for advice. This is an extension of the Brydges duty counsel service, implemented after the February '90 Supreme Court of Canada ruling in the Brydges case. That ruling provided that the Charter right to retain and instruct counsel includes prompt access to legal aid advice.

The toll-free province-wide service gives people the opportunity to use the toll-free line as soon as they are arrested, or to phone a lawyer of their choice.

3. Expansion of service to refugees

At the close of the fiscal year, the B.C. Court of Appeal affirmed that section 3 of the Legal Services Society Act guarantees legal aid to refugee claimants who meet the Society's financial eligibility requirements.

The Society welcomed this decision. Legal aid for refugees is an essential and necessary service which the Society now expects to provide on a permanent basis.

Another initiative, which aims to provide better services to multicultural communities, was the hiring in October '90 of a community liaison officer in the Surrey office. The community liaison officer works with both clients and immigrant-serving agencies to ensure that members of multicultural communities have access to the Society's services.

4. Increased coverage

The re-introduction of flexible guidelines and the economic recession led to more applications for legal aid. In family law for example, applications for legal aid in matters such as contested divorce, child custody and access increased by 13 per cent.

5. Expanded services in Native Programs

Services for native people remained a priority in 1990/91. Ongoing funding for the Carrier-Sekani family duty counsel project was provided. This funding and the opening of the Fort St. James native community law office were two important steps undertaken during 1990/91 towards providing legal services appropriate to the needs of native people.

6. Public Legal Education and Information

Throughout the year, the Society also maintained its partnerships with other organizations in the area of public legal education and information. It continued to support a community-based approach to the provision of relevant public legal education material and programs.

Working in partnership with the bar

Entering the fiscal year 1990/91, the Society continued its longstanding reliance upon the private bar to provide legal aid in criminal, family, immigration, and human rights cases for fees that often did not cover the cost of doing business. This was particularly true in the family law area.

Throughout the year the Society found it increasingly difficult to place cases. In some areas outside the Lower Mainland, it was actually necessary to fly lawyers in from Vancouver to ensure some degree of coverage.

Efforts to improve this situation have been ongoing for years. The Legal Services Society, through its representatives on the Legal Aid Liaison Committee, has for some time participated in discussions with representatives of the bar aimed at improving tariffs.

In 1990/91, a series of expanded meetings were held to discuss tariff issues. Concurrently, negotiations began directly with government to obtain more money. Matters were brought to a head when the legal aid bar refused to accept cases after April 15, '91.

The withdrawal of services ended in June when the government, assisted with a $6,000,000 grant from the Law Foundation, provided funds that enabled the Society to roughly double its tariffs.

Peter Leask, Law Society Treasurer, worked tirelessly throughout the negotiations to secure a new tariff and deserves a great deal of credit for the outcome.

Throughout the year the Legal Services Society also enjoyed considerable support from the B.C. Branch of the Canadian Bar Association, whose President, Terry La Liberte, made legal aid issues a priority during his term of office.

Looking ahead, there is clearly much to be done. The tariff increases should alleviate many of the coverage problems the Society has experienced in tariff areas. Aside from these parts of our mandate however, there are still large areas which are serviced inadequately or not at all.

Examples include civil law coverage before administrative tribunals, or in debt-related matters. As an incidental outcome of the Gonzales-Davi decision, it appears that the Court of Appeal considers assistance to persons detained under the Mental Health Act to be covered by our mandate. Needless to say, a workable, responsive approach to the whole field covered by our Native Programs Branch remains an important challenge.

I have come to the end of my second and last term as Chair of the Society. I would like to express my deep appreciation to the board for their support throughout my term. I would also like to express my appreciation to the staff, who contribute so much to the effectiveness of the organization.

It has been a privilege to work with the board and the Society.

Mark McEwan
Chair

Board of Directors 1990/1991

Mark McEwan, Chairperson

His Honour Judge William Kitchen
Vice-Chair

The Honorable B.Cohen

Alix Campbell

Russ Chamberlain Q.C.

George Coutlee

Jane Fleming

Ron George

Gerry Kambeitz

Dennis McCrea

Val Napoleon

Barbara Nelson Q.C.

David Rice

David Zalinger (resigned November 1990)

The Legal Services Society Act provides for the appointment of 14 members to the Board of Directors, seven appointed by the Lieutenant Governor in Council and seven appointed by the Law Society of British Columbia.

Legal aid

Legal aid is generally perceived by British Columbians to be a cornerstone to the integrity and fairness of the legal system. While awareness of and support for the legal aid program is high, British Columbians are generally unaware of the extent of the availability of legal aid, its source and level of funding, and scope of coverage.

from* The Critical State of Legal Aid in British Columbia, *issued by the Legal Aid Liaison Committee, March 1991

Many people come in contact with the Society when they seek legal aid through the office in their community. It may be a Legal Services Society branch office, a community law office, or the office of a lawyer in private practice who takes legal aid applications.

In the Society's head office, the administration of legal aid services are co-ordinated by the Client Services Department. These are some of the questions most often asked about the Society's legal aid services.

What is legal aid?

Legal aid is a program for people who cannot afford a lawyer when they need one. If they are financially eligible and if their legal problem is one that legal aid covers, they can get a lawyer on legal aid.

The lawyer who does legal aid is either in private practice or a lawyer on staff at a branch office or a community law office.

The only difference between getting a lawyer on legal aid and paying for one is that the person on legal aid doesn't get billed for the services.

Who can get legal aid?

Anyone who cannot afford to pay a lawyer may be eligible for legal aid.

Everyone who applies for legal aid has an interview. If the person's debts, expenses, income, and assets are such that there is no money to pay the legal costs of the problem, then the person may get legal aid. The interviewer looks at each person's financial situation separately.

The Society also provides legal aid to every person in detention until they are released. Then they can be eligible for legal aid in the same way as anyone else.

What types of problems does legal aid cover?

Legal aid covers:

- any criminal offence for which a person might go to jail or lose employment
- family problems: separation, custody and access, maintenance, property division, divorce, family violence
- refugee claims and serious immigration problems
- human rights and discrimination cases
- landlord/tenant disputes
- First Nations hunting and fishing cases
- income replacement/pension appeals, involving social assistance, Canada Pension, and disability pensions.
- workers' rights disputes involving workers' compensation, disability pensions, and unemployment insurance
- Mental Health Act review board hearings
- Criminal Injuries Compensation
- debt problems like people being sued, collection practices, foreclosures, and bankruptcies
- other civil law problems.

What kind of help does legal aid give?

If someone has a criminal, family, immigration, or human rights problem, they are referred to a private bar lawyer. The lawyer's legal fees are paid by the Society.

People applying for legal aid can say what lawyer they would like to have. If that lawyer is available, they are referred to him or her.

Branch office and community law office staff may handle other cases, such as landlord and tenant matters, Workers' Compensation, UIC and MSSH appeals. Their ability to help with these cases depends on the overall demand for their service at any given time.

Some civil cases such as those involving bankruptcy are referred to the private bar on a pro bono basis. In these cases, the lawyer works for no fee and the Society covers the lawyer's expenses.

What costs are involved?

If someone gets legal aid, the current cost is a user fee of $10, or $30 if the person is not on social assistance.

Sometimes people applying for legal aid have an income slightly higher than their expenses, or they may have a little money available but not enough to pay a lawyer's fees. In those instances they may be asked to make a contribution. Typical contributions are currently $100 or $200.

Once a private bar lawyer accepts a legal aid case, the lawyer may not bill the client. However, if the client's financial circumstances change significantly, the client may be required to pay some or all of the lawyer's fees.

Where does someone apply for legal aid?

A person can go to one of three types of offices: a Legal Services Society branch office, a community law office, or an area director. Area directors are lawyers in private practice in small communities who act as agents of the Society and take family and criminal legal aid applications.

The office staff will determine if the person qualifies for legal aid services. If they are not eligible to get a lawyer on legal aid, the office staff will provide them with advice and information. Staff will explain what other help is available in the community and will give them informational pamphlets on their particular problem.

A list of all the branch offices, community law offices, native community law offices, and area directors are at the back of this *Year in Review*.

Demand for Legal Aid

1990/1991

Type of legal problem	Total number of applications	Number accepted	Percentage accepted
Criminal	43,805	33,530	76.5%
Family	27,482	17,118	62.3%
Civil	25,388	5,167	20.4%
Total	**96,675**	**55,815**	**57.7%**

1989/1990

Type of legal problem	Total number of applications	Number accepted	Percentage accepted
Criminal	39,658	30,134	76.0%
Family	24,227	15,163	62.6%
Civil	22,284	5,252	23.6%
Total	**86,169**	**50,549**	**58.7%**

Range of legal aid work

The following commentaries document the range of legal aid work being done and some of the challenges facing the people who do it.

Civil cases

There is no legal aid coverage for civil cases. This can be a real problem for many people who have problems with debts, foreclosures, and landlord/tenant matters.

Some civil cases are handled by the Society's branch offices and community law offices; others are referred to the private bar on a pro bono basis. Pro bono means that the lawyer provides services for no fee and Legal Services pays for the expenses.

Here's a typical case:

A woman, who happened to have a severe hearing impairment, went to Small Claims Court claiming her landlord had damaged and stolen some of her property. She won the case and the landlord was told to pay. Instead, the landlord sent her a notice that he was appealing to Supreme Court.

The woman had dealt with the Small Claims matter on her own and won, but was now faced with the much more daunting prospect of having to go to Supreme Court. She went to the Vancouver Legal Services office and applied for legal aid.

She qualified for legal aid financially, but this is a civil case and civil cases are not covered by legal aid. In an effort to deal with cases such as this one, the Vancouver Legal Services office runs a Volunteer Lawyer Program, which places civil cases with private lawyers on a pro bono basis.

Malcolm McLean of Davis and Co. agreed to provide representation pro bono. After an exchange of documents, the matter was settled out of court.

Malcolm McLean comments: "The pro bono service allows people who don't have the means to go to court to be full participants in the process. Without pro bono they simply would not have that opportunity."

The woman felt that having a lawyer represent her made the out-of-court settlement possible. Her parents, in a letter to the lawyer, said, "Your service to handicapped people such as [our daughter] is invaluable."

Family cases

Before the fee increases of June '91, the Society was having major problems placing family cases with private lawyers because the fees paid for family legal aid cases were so low. In some parts of the province, particularly in the north, no lawyers could be found to take the cases. Counsel had to be brought in from out of town.

The following case illustrates this. (It is hoped that the increase in family legal aid fees will go a long way towards solving these kinds of problems in the future).

In this case the client was the wife. A lawyer had represented her in an application for custody, which resulted in a consent order for joint custody. But within a few months the arrangement broke down. The husband filed a lengthy affidavit asking for sole custody.

This was in a northern community. The lawyer who represented the woman initially had spent a great deal of time negotiating with her and on her behalf. As was typical in difficult family cases, this kind of out-of-court time went far beyond what the legal aid fees allowed for.

The second time around, no local lawyer could be found to take the case. It was finally handled by a staff lawyer from another town. The case went to trial and resulted in another consent order. The staff lawyer comments:

"This case illustrates that bringing in out-of-town counsel is not practical. This client needs a lawyer who is able to spend some time with her. It is no solution to say that a client is "too demanding" and refuse to see her. If the consent order breaks down, she will be back in court and she will then need a lawyer to represent her one more time.

"The bonus in this case is that both husband and wife are seeing counsellors, learning to talk to each other, and making the order work. That sort of reward doesn't pay any overhead."

The case, which included a three day trial, took 58 hours. Payment on the family legal aid tariff before the June '91 increases would have been $975.

Immigration cases

A decision by the Appeal Court of B.C. in April '91 affirmed that section 3 of the Legal Services Society Act guarantees legal aid to refugee claimants. This means that refugee claimants who are financially eligible are represented by a lawyer on a legal aid basis at immigration hearings.

A refugee from El Salvador sums up what this service meant for him. This man had been in prison in El Salvador because the military suspected him of supporting the guerrillas. "I came here to save my life. It was a matter of life and death. It is exactly that simple.

"I feel that everyone who comes to Canada in this way to make a refugee claim should go to legal aid, and that legal aid should provide those services."

Mobina Jaffer, a Vancouver lawyer who handles both criminal and immigration cases, says, "You know in a criminal case that the worst thing that can happen is the person could go to jail. In an immigration case the person could be going back to their death. This is why legal aid in immigration cases is so important."

Mobina Jaffer

Administrative law cases

Currently staff lawyers and paralegals are able to provide limited assistance in hearings before administrative tribunals, There is a great need for more coverage, particularly in welfare, UI and WCB cases.

These typical cases provide an idea of what this coverage means:

- A man whose hours of work had been drastically cut back went to his employer to inquire if he was being laid off. His employer, angered by the question, fired the man and refused to provide a record of employment. The employer then informed the Unemployment Insurance Commission (UIC) that the man had quit. UI accordingly gave the man a six-week penalty.

  The staff person from the Legal Services Society was able to act as the man's advocate before the UIC board of referees. She was successful in establishing that the man had been effectively laid off and that the employer had refused to issue a record of employment.
- A man was accused by UIC of fraud. The staff person was able to accompany the person to UIC and explain what had happened. In fact, the person didn't read and write English, and the matter had been one not of fraud but of misunderstanding. UIC decided not to proceed with the fraud charge.
- A woman on income assistance had her purse stolen at a bus stop. She reported the theft to the police. She also reported the matter to MSSH who issued a replacement cheque. However, MSSH wanted the woman to sign a promise to pay the money back.. With the assistance of an advocate from Legal Services, the woman appealed this decision. The advocate argued successfully that a replacement is not a replacement if pay-back terms are attached.

Criminal cases

This is the area of law that people most often think of in connection with legal aid. The Legal Services Society provides the following services:

- A 24-hour toll-free telephone advice service for people arrested or detained anywhere in the province.
- A duty counsel service in all the criminal courts of the province. Duty counsel are lawyers who advise accused people who are being held in custody.
- Legal representation for eligible people who may face imprisonment or loss of their livelihood as a result of a criminal charge. This includes representations at judicial interim release hearings, first appearances, preliminary hearings, and trials.
- Legal advice for summary conviction matters that would not result in a jail term.
- Legal representation in appeal cases if the person is eligible and the case has merit. Both sentence appeals and conviction appeals are covered.
- Legal services to people in prison. Prisoners' Legal Services, located in Abbotsford, provides legal advice to prisoners who are dealing with internal prison issues. This service reaches prisoners in twenty institutions from Agassiz to Vancouver.

  Staff at Prisoners' Legal Services provide summary advice and self-help assistance with parole hearings and disciplinary hearings, and for disputes about segregation status, transfers, and visits. Where the case has merit, they provide representation at judicial reviews to deal with such issues as revocation of parole.

Human rights cases

The Legal Services Society acts as an agent of the Human Rights Council in appointing lawyers to act in human rights cases.

The number of human rights cases handled is small in comparison to family, criminal, and immigration cases. A growing number of complaints are handled in the employment area, with a significant increase in sexual harassment cases.

Legal advice

In addition to handling routine applications for family and criminal legal aid, branch and community law offices provide extensive summary legal advice on a wide range of topics.

It's a typical day at one of the Society's rural branch offices. The staff consists of one lawyer and a secretary-receptionist.

The lawyer, while handling legal aid applications, gives the following kinds of summary advice:

- A woman with a mental disability needs information about the rights and responsibilities of her committee and the role of the public trustee in the management of her affairs (the word committee is pronounced com-mit-TEE and means the person the court appoints to make legal decisions for a mentally disabled person)
- A man, now on welfare, wants to know how to recover the $18,000 he invested in a local business. He was to have been an equal partner but is now a minority shareholder. He also needs information about fraud and minority shareholders' rights.
- A hotel guest wants to know what he can do about his expensive shoes that were taken from outside his door by a fellow guest, a prankster who pitched the shoes out a fire door. The police won't prosecute because they can't identify the prankster. The caller needs information about Small Claims Court.
- An unemployed sales clerk wants to know about her chances in a medical malpractice suit against specialists who had recommended and performed surgery on her feet to relieve her crippling pain. The surgery did not work.
- A mortgagor wants to know if he has a right to seek reinstatement of the family's mortgage, and what is likely to happen if a foreclosure continues against him and his wife.
- A judgment debtor, a person against whom a court judgment has been entered, wants to know what he should do about the fact that his creditor, a bank, has opted to sue because he has sold a vehicle that was part of his security. He says he is willing to give the bank the money from the sale, but the bank is balking. It claims that the amount being offered is not enough.
- A woman needs to know which of the two Supreme Court registries has jurisdiction over her family law issues.
- A long-distance caller needs a detailed explanation of the grounds for divorce in her particular circumstances.

There are, in addition, three routine legal aid applications: one for family, two for criminal matters. Three other applications need special consideration on matters of eligibility, merit, and choice of counsel.

The staff lawyer comments: "One thing is certain. If you are going to work in a legal aid office you had best be a generalist in your grasp of legal concepts and current law. There is much more to the job than administering the family and criminal law referral system."

Community needs

Shashi Assanand

The Society's branch offices and the community law offices design and implement programs that are appropriate to their communities.

In Surrey for example, a large proportion of the people who apply for legal aid are from the Indo-Canadian/South Asian community. For that reason the office created a new staff position called the community liaison officer.

One of the functions of the community liaison officer is to develop closer links with the local immigrant-serving agencies, such as Surrey Delta Immigrant Services. Staff lawyer John Simpson explains: "We noticed that we often called upon interpreters from Surrey Delta Immigrant Services, so we decided that instead of asking them to come to our offices, we should go to them. We set up a regular legal clinic at their centre. The clinic serves a large number of Indo-Canadians, as well as Vietnamese and Chinese Canadians.

"In the Surrey-Delta area there are 12,000 farmworkers, many of them Indo-Canadian. They can have problems with WCB claims, UIC, and so on. We therefore decided to approach the Farmworkers Union to set up some legal services within their framework. Many who might hesitate to come to our office would be willing to seek information and help from their own union. In that way we are more likely to reach people."

The first community liaison officer, Shashi Assanand, comments: "One of my particular concerns is the position of women within the multicultural communities and the language barriers they face in accessing legal services."

Native Programs

PREAMBLE AND GOALS

Whereas

Native Indian people come into conflict with the law in disproportionate numbers

And whereas

Native Indian people stand in a unique constitutional relationship to the Canadian legal system

And whereas

The Board of the Legal Services Society recognizes a particular responsibility for native Indian people in relation to the legal system

And whereas

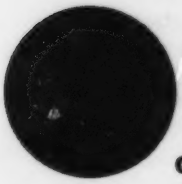
The Board recognizes that the most important source of its policy regarding native Indian people are native Indian people themselves

The Board affirms the continuation of the Native Programs Branch of Legal Services Society with the following goals:

- To provide ways for native Indian people to articulate their needs for the delivery of legal services, and be responsive to their needs as they change from time to time.
- To assess the overall delivery of all legal services to native Indians in British Columbia, through both the Legal Services Society and other government and non-government agencies, to maintain and/or improve the quality of existing services and to develop services appropriate to the needs of native Indian people.
- To ensure that legal services are afforded to individuals of native Indian ancestry who may not otherwise receive them because of conditions and circumstances particular and unique to native Indian people, as well as for financial reasons.
- To ensure that education and information about law are provided to native Indian people in British Columbia consistent with their needs.
- To ensure, subject to the Legal Services Society Act, that communities of native Indian people in British Columbia are afforded the opportunity of real community control and responsibility by active involvement in the delivery of legal services.
- To ensure individual native Indians are not disadvantaged because the collective legal rights of native Indian people have been impaired because no one can afford counsel or obtain counsel by other means.
- To ensure that legal services to native Indian people are adequately funded and are consistent with their needs and, where appropriate, to develop new and innovative methods of delivery which incorporate traditional and cultural values and beliefs.

Adopted by the Legal Services Society Board
July 12, 1984

Native Programs



Many native people do not know how to get legal aid, are not sure who they can trust in the legal system, and have difficulty understanding legal jargon. In many cases native people are intimidated by non-native lawyers and have difficulty communicating due to language and cultural differences...

Representative, Carrier-Sekani Tribal Council, 1987

First Nations people often come into contact with the Legal Services Society through the work of the Society's Native Programs Branch.

The Native Programs Branch, which has a network of approximately 900 native communities and organizations in the province, recognizes the need for native autonomy and control in the delivery of legal services. This involves returning the decision-making process to native people to resolve their own problems.

The Native Programs Branch maintains that legal services for native people must be accessible to native people and be designed to recognize native community control in the delivery of legal services to native people.

Community law offices

Ten native community law offices and Friendship Centre legal programs are funded by the Native Programs Branch. Each office is directed by a native community board. The boards identify needs, establish priorities, and ensure that they have the staff to provide the services.

The offices act as area directors for legal aid coverage, which means that they take legal aid applications. They also provide comprehensive public legal education programs. Community development is also an ongoing component of the work of native community law offices. Where necessary, the offices also provide courtwork services to people in custody and other people who need them.

Community-based public legal education

Native Programs recognizes that native people themselves are the best providers of public legal education programs for native communities. It therefore facilitates the provision of public legal education through the native community law offices or through small grants to native communities throughout the province.

The kinds of public legal education provided include information about:

- matrimonial property on a reserve
- Indian status and Band membership
- creditor rights in Indian real property
- family violence and community-based dispute resolution
- community development
- the promotion of civil and human rights
- an understanding of aboriginal and traditional rights.

Local aboriginal justice initiatives

Two of the numerous local aboriginal justice initiatives with which Native Programs is involved are the Carrier-Sekani Family Duty Counsel Project and the Dene Law Centre.

In the early 1980s the Carrier and Sekani people began to examine trends in their contact with the Canadian justice system that were similar to those found by other First Nations people across Canada:

- they were incarcerated at rates disproportionately higher than any other ethnic group
- forty per cent of children in care at any given time were Carrier and Sekani children
- lack of appropriate legal services made situations worse
- in some communities native people were rarely represented in family court, particularly in *Family and Child Service Act* proceedings.

To meet the challenges, the Carrier and Sekani Tribal Council developed plans to provide a range of legal services. These include Family Court duty counsel services, alternate dispute resolution bodies, and a Carrier and Sekani tribal justice system.

The Family Court duty counsel service, which began as a pilot project, is now funded on an annual basis by the Native Programs Branch of the Legal Services Society. It operates out of Northern Native Family Services, a branch of the Carrier-Sekani services.

Family Court duty counsellor Geraldine Solinas explains that "as a native society, we have more native people likely to come to us here than would go to a non-native agency. This is especially true in family matters."

The family court duty counsel model involves much more than having a lawyer attend at court to provide summary advice to people who are unrepresented. The program recognizes what the community believes are the best ways to resolve family disputes.

The program uses Band resources, which often leads to Band representatives getting more involved in family court proceedings. It also works with the Family Care Worker program of the Carrier and Sekani Tribal Council. This arrangement often results in children being returned to their families.

What does all this add up to in practice? Geraldine Solonas explains:

"In one particular case we had a child who had been in care for quite a few years. She was a permanent ward. She was charged with some criminal matters, including assault. I was in touch with the Band and our office spoke for the Band in court. The Northern Native Family Services care worker also got involved.

"The Crown said there was no way they would release her to the Band because she was a ward and wards always go to 'an approved foster home.' But the court did release her to the Band. So she's now back with her Band. That's what we were able to do."

The Carrier-Sekani Family Court duty counsel project works to:

- ensure that native people coming into contact with the judicial system are given greater representation and better access to available remedies
- create a better understanding of the legal system, its parameters and limitations
- train human service workers in court skills and general family law principles to prepare for the delegation of statutory and non-statutory child protection authority to a Carrier and Sekani child welfare agency.

Another initiative is the Dene Law Centre, a native community law office in Fort St. James that opened its doors in November '90.

Fort St. James is located on the shores of Stuart Lake, 160 kilometres northwest of Prince George. Dene Law Centre provides legal information and assistance to the village of Fort St. James and to the surroundings native communities of Nak'azdli Band, Tl'azt'en Nations, and Takla Lake Band. The office is staffed by lawyer Diana Breti and Lori Moise who is the secretary/bookkeeper.

The Board of Directors, which consists of three Band Chiefs, a Band Councillor, and a Fort St. James alderperson, has identified public legal education as its first priority.

Diana Breti says: "Before the Dene Law Centre opened, there was no organization providing legal information or advocacy in this area. The nearest lawyer was 60 kilometres away in Vanderhoof. Advice on criminal and family law matters was available from duty counsel on court day, which occurs three times a month in Fort St. James. As a result, people had no local resources for help with matters such as GAIN appeals, residential tenancy complaints, or small claims.

Dene Law Centre was established because of the board's concern that native people in particular do not have access to information about their legal rights and obligations. They see it as important for the law centre to have a proactive role in educating people about their rights, rather than simply reacting to their legal problems."

Consequently the Dene Law Centre develops workshops and information materials as well as providing summary advice. The first workshop will be held in April '92 to explain the coroner's inquest. This workshop was requested by Tl'azt'en Nations to prepare its members for an inquest to be held concerning the shooting of a Band member by the RCMP.

Since she began her work about a year ago, Diana Breti has dealt with a wide variety of inquiries. Family law problems are the most frequent, followed by criminal law, GAIN, landlord/tenant, pensions, ICBC, wills, and small claims.

"I've found that the majority of people who come into or phone the office simply need information rather than representation. The response from the community has been extremely positive. Access to information is limited in most remote communities, particularly for low-income people. The Dene Law Centre is providing a much-needed service."

Dene Law Centre Open House

Public Legal Education and Information Department

Community-based funding is effective because you get the tools to deal with legal issues as part of the whole picture.

***Sue Egers*, Port Alberni Women's Resources Society**

The Public Legal Education and Information department (formerly Legal Information Services), provides education and information in partnership with community workers, teachers, and librarians. The department also works with other institutions that provide legal education and information and with government agencies.

The department believes that needs are best identified and met by those who are closest to the issues. Each program offers resources and materials — workshops, grants and publications — to the providers of the service.

The department has three major programs and a publishing division. The Community Programs (formerly Public Legal Education), the Schools Program, and the Library Program each take a community-based approach to public legal education.

The Publishing Division produces print materials which help to make the law more accessible and useful to the various communities the programs serve.

Community Programs

Community Programs wants to increase and improve access to the law and to encourage public involvement in the law. The following profile of one community group's relationship with the Legal Services Society illustrates how community groups across B.C. might use the services available from Community Programs.

Twelve years ago the Port Alberni Women's Resources Society began with three women. Sue Egers was one of those women. She says: "We got a transition house going, and then we realized that there were huge gaps in the legal services available for assaulted women.

"On the family side we realized that women were having a hideous time getting represented in family court. Around 1982 we got into helping women with family court issues. I'd say we fell into it because the need was so great.

"We began to help women who were losing custody or who had no maintenance, and so on. We were doing it on a crisis basis as volunteers.

"In 1984 when we were searching around for funding we came across the Legal Services grants to community projects. Legal Services funded us for six months for one staff person to get a family court advocacy program going.

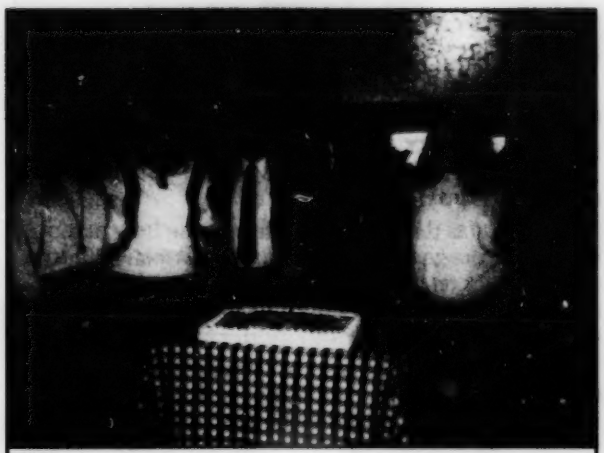
"From that time on we have been receiving Legal Services funding. It covers office supplies and the room in the Women's Centre, out of which we do our family court advocacy.

"A major difficulty in the Port Alberni area is that there are so few lawyers. They are swamped and have little case preparation time. So we started to do case preparation with women, usually victims of wife assault. We help them organize what their options are as well as the financial information they will need for the lawyer. We constantly use Legal Services publications, especially *Separation* and *Child Apprehension*.

"In April '90 we lost our major funding when the Secretary of State cut its women's centres program. Legal Services saved our bacon that time, giving us an advance on our grant to help us keep going. Then we applied to the Law Foundation as well as Legal Services. We now have funding from both.

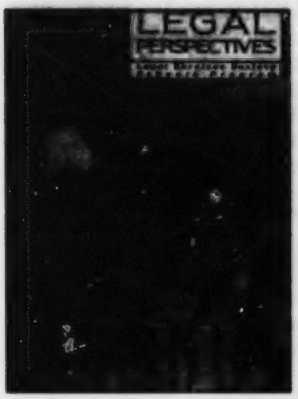
"In dealing with women's problems, you can't avoid legal issues. The legal problems are usually a part of the wider problem; the law doesn't come wrapped up in a neat, separate package. I think this is why community funding is so effective — you get the tools to deal with the legal issues as part of the whole picture."

The Law Foundation now funds a staffed advocacy service. For public legal education funds, the centre applies to Community Programs.



Port Alberni Women's Centre Open House

Schools Program



The Schools Program provides education about the law to teachers and their students. The program also works closely with other educational and legal bodies to ensure that law-related principles are included in curricula at all grade levels, and that appropriate materials and training are available.

Norm Corbett, a teacher of Law 12 at Richmond Senior Secondary has been involved with the development of law courses at the secondary level since 1975. He talks about the use he makes of *Legal Perspectives*, a Schools Program newsmagazine produced five times a year for law teachers by managing editor Sadie Kuehn:

"The magazine format works well because you can read an article in the few minutes you get during the day. You can't sit down and read a textbook in that time.

"It is good for the students too. The court report section, which deals with recent precedent-setting cases, gives them the information in a relatively brief format. The controversial cases are the ones that work best.

"I always give the suggested resources sections to the library and to the kids. The annotated resources save an awful lot of time. I use the print resources mainly. I don't use the audio-visual resources much because the kids compare the videos with Coke commercials. They don't listen for the message; they say, "hey, look at the width of pants on that guy.

"Other teachers use *Legal Perspectives* as well. Consumer Education 12 use it regularly and Socials 11 teachers use it for government. I think that the *Index* which *Legal Perspectives* issues annually is a good resource for any beginning teacher."

The Schools Program has advised the Ministry of Education about the content of the new curriculum for Law 12. As a result, 12,000 students a year will learn more about the law. Rob Sandhu, the chair of the ministry's Law 12 Working Group, states that the assistance from the Schools Program was vital in getting advice and support from the organized bar and the UBC law faculty. The Law 12 curriculum has been well received by teachers as a comprehensive guide to teaching law in the 90s.

Legal Beagle

The Schools Program research officer, Ron Rapin, continues to be very involved in the Legal Beagle, the computer network that provides information about the law to teachers and students. The Beagles are a small group of lawyers who field questions from teachers and students. Students' questions range from concerns about the constitution, to whether or not a boss can fire someone for having long hair.

The lawyers draw upon their own expertise and upon an extensive network of professionals who work in or with the law, like Ron Rapin. The Beagles often put challenging questions back to students to encourage and guide them in exploring various aspects of the law.

The following is the modem message Dave Loewen sends to the Beagles to explain how he uses their services:

"I have a computer and modem hookup in my classroom and I anticipate having my students use it more frequently next year. I have a special space on my bulletin board where I post questions and answers for all to see. I will post items generated by other schools as well. My students find them both interesting and informative."

The flow of legal information back and forth between lawyers and students adds excitement to the whole subject of law. In thanking the service, one student said:

"Thank you for all the time and effort you took to respond to our questions. It was always exciting to look forward to your responses. We all thoroughly appreciate the knowledge you have offered us through the wonderful service you provide."

Bella Coola Public Library

The Library Program

The Library Program works with librarians to help them deal with the legal questions they receive. The program also provides information and referral services.

It operates the Law Line, a telephone information service for the general public, maintains a law library, and provides reference services for the general public as well as Legal Services staff. The library includes a circulating audio-visual collection.

Kevin Kierans, Manager of Library Services for the Cariboo-Thompson-Nicola region explains how librarians use the services of the Library Program. His region, which covers 50,000 square miles, includes two larger libraries in Kamloops, smaller libraries in areas such as Chase, Merrit, and Cache Creek and tiny libraries such as the collection at Alkali Lake.

"The Library Program works to meet the legal information needs of libraries across this range. Librarians throughout the system attend the Library Program workshops on how to deal with legal questions and how to use the statutes. If you don't deal with legal questions on a daily basis, you get rusty."

The Kamloops region, like other library regions throughout the province, receives small annual grants from the Library Program to develop its legal collections. In the fiscal year under review, the Library Program placed particular emphasis on funding the development of legal collections in the smaller libraries.

Librarians in the region also use the Library Program publications. Kierans says: "*The Legal Collection for Non-Legal Libraries*, which the Library Program updates annually, is a standard selection tool. Librarians throughout the system also regularly use the *LRC News*, the Library Program's newsletter. This is particularly helpful because it tells you when materials are out-of-date.

"Library patrons ask about everything. Often you have someone come in and they've just been to a lawyer, or they're about to go to a lawyer and they want to figure out how much they can do on their own. You get a lot of questions about the *Motor Vehicle Act*. In recent months we've received many inquiries about native land claims. People's questions range from black-letter law to do-it-yourself."

Publishing Division

Each year the Publishing Division produces print materials for all of the Society's departments as well as for community groups. The goal of the division is to publish information about the law from the reader's point of view.

When I'm 64: A guide to senior citizen benefits and services is one of the most popular publications. Pearl MacKenzie, of North Shore Community Services, comments on how seniors use the publication:

"Lots of seniors pick it up from our centre, show their neighbors and use it to sort out their issues. Other seniors, especially those who are struggling to live independently, rely on advocates and volunteers to work through the information with them.

"Now that all seniors must file tax returns in order to access the benefits, we find that the best time to use the publication is when volunteers are helping with taxes. That's a really good time to use the publication. Volunteers can use it to identify whether people are getting all their benefits."

The Domestic Workers Handbook, was written by Kyong-ae Kim of the West Coast Domestic Workers Association. Lois Shelton, staff lawyer with the association, comments: "The aim of the publication is to provide domestic workers with information so that they can avoid problems. It also lets them know about the association. Certainly my workload as an advocate has grown as a direct result of the publication.

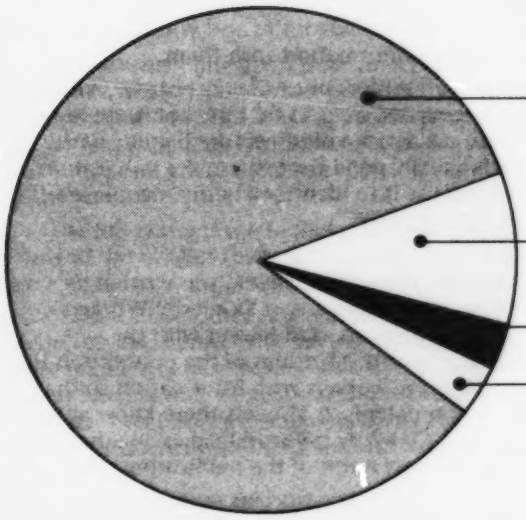
"Many of the domestic workers are from the Philippines, so we distributed it in grocery stores within the community, as well as in community centres and libraries. It was also distributed to Canada Employment Centres, and by a number of government agencies. We printed 4000 and the bulk of them went within the year. It's been a very successful project."

Financial Information

For the year ended
March 31, 1991

Income

$40,109,703
(1989-1990 $33,091,668)



Province of B.C. ***80.1%***

Law Foundation ***14.4%***

Notary Foundation ***3.0%***

Other ***2.5%***

interest
client contributions
miscellaneous

Expenses

$42,072,953
(1989-1990 $33,148,823)

Fees for Services ***65.9%***

Tariff *61.2%*
Duty Counsel *2.8%*
Transcripts *1.4%*
Other *0.5%*

Client Services ***18.3%***

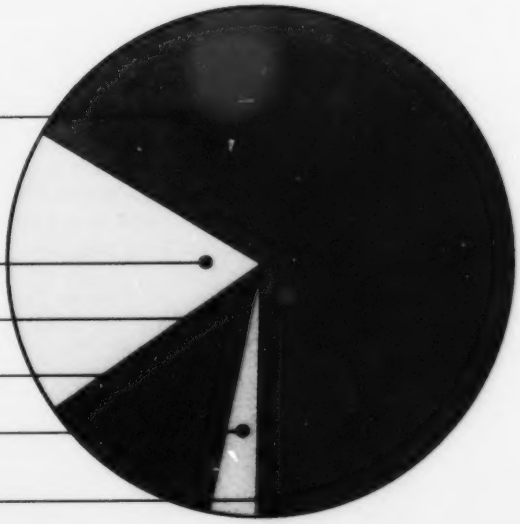
Administration ***7.9%***

Native Programs ***4.0%***

Legal Information Services ***3.6%***

(now called Public Legal Education and Information)

Research and Planning ***0.3%***



List of Offices

Note: Addresses are correct as of November 1991. For current information, please check your phone book.

Legal Services Society Branch Offices

Burnaby
344–5021 Kingsway
V5H 4A5
437-4432

Campbell River
208–1040 Shoppers Row
V9W 2C6
287-9521

Chilliwack
9315 Nowell Street
V2P 4V8
792-7264

Dawson Creek
1101–B 103rd Avenue
V1G 2G8
782-5911/2

Fort St.John
3–10230 100th Street
V1J 3Y9
785-5674/5

Kamloops Legal Services
510–175 Second Avenue
V2C 5W1
374-7777

Kelowna
1262 St. Paul Street
V1Y 2C9
763-8804

Prisoners' Legal Services
1A–33820 South Fraser Way
V2S 2C5
853-8712
533-8291 (toll free)

Nanaimo
Upper Floor
10 Esplanade
V9R 4Y7
755-2550

Penticton Legal Services staff

Nelson
550 Stanley Street
V1L 1N2
352-3147

Prince George
302–1488 Fourth Avenue
V2L 4Y2
562-4445

Prince Rupert
#4–101 1st Avenue East
V8J 3X4
627-1364

Surrey
102–15225 104th Avenue
V3R 6Y8
584-8535

Vancouver
2–191 Alexander Street
V6A 1N3
687-1831

Williams Lake
208–197 2nd Avenue North
V2G 1Z5
392-2941

Community Law Offices

Abbotsford Community Services Society
2420 Montrose Avenue
V2S 3S9
859-2755
or toll free
530-3514

Fort Nelson Community Law Office
Bag 399
V0C 1RO
774-6707

Kootenay Community Law Centre
39–13th Avenue South
Cranbrook
V1C 2V4
489-3375

Nanaimo Community Assistance Society
Upper Floor–10 Esplanade
V9R 4Y7
755-2550

Penticton Legal Services
103–304 Martin Street
V2A 5K4
493-0210

Powell River Legal Services
4746 Joyce Avenue
V8A 3B6
485-9871

Quesnel Community Law Centre
283 Barlow Avenue
V2J 2B9
992-8391

Ridge-Meadows Legal Services
22701–119th Avenue
Maple Ridge
V2X 8S5
467-3011

Westminster Community Legal Services Society
805–12th Street
New Westminster
V3M 4K2
524-0381
and
Room 300 2232 McAllister
Port Coquitlam, B.C.
V3C 2A5
944-8841

The Law Centre Association of Victoria
3rd floor–1221 Broad Street
V8W 2A4
388-4516

Quesnel Community Law Centre

Native Community Law Offices *and* Funded Friendship Centres

Burns Lake Yinkadinee Keyakh Law Centre Society
PO Box 8000
412 Government Street
V0J 1E0
692-7534

Northern Native Family Services Native Family Duty Court Counsel
1274 5th Avenue
Prince George
V2L 3L2
562-3591

Dene Law Centre Society
#7–270 East Stuart Drive
Fort St. James
VOJ IPO
996-7700

Fort St. John Indian Friendship Centre
10208 95th Avenue
V1J 1J2
785-8566

Haida Counselling and Legal Assistance Society
PO Box 37 Skidegate Village
Queen Charlotte City
V0T 1S0
559-8811
and
PO Box 130
Block N, Lot 7
Masset Reserve #1
Masset
V0T 1M0
626-3925

L'ax Ghels Community Law Centre Society
3313 Kalum Street
Terrace
V8G 2N7
635-2133

Nicola Valley Native Community Legal Assistance Society
1955 Quilchena Avenue
Bag 4400
Merritt
V0K 2B0
378-6112

Port Alberni Friendship Centre
3555 4th Avenue
V9Y 4H3
723-8281

Upper Skeena Counselling and Legal Assistance Society
Omenica Street
PO Box 130
Hazelton
V0J 1Y0
842-5218

Wedzen Kwe Community Law Office
1235 Main Street
PO Box 2118
Smithers
V0J 2N0
847-2600

Area Directors

Armstrong/Enderby
F. Gregory Reif
Barrister and Solicitor
DuMont and Company
3450 Okanagan Street
Box 549
Armstrong, B.C.
VOE 1BO
546-8414
and
104–617 Cliff St.
Enderby, B.C.
VOE 1V0
838-7122

Chetwynd
Glen Stasiuk
Barrister and Solicitor
#202–4713 51st Street
V0C 1J0
788-3113

Duncan
Yvonne Pink
Barristor and Solicitor
209–255 Canada Avenue
V9L 1T6
746-6000

Golden
Glen Ewan
Barrister and Solicitor
515 Ninth Avenue North
PO Box 429
V0A 1H0
344-5258

Invermere
Barnim Kluge
Barristor and Solicitor
2–1206 7th Avenue
PO Box 2647
V0A 1K0
342-4447

Kaslo
Tom Humphries
Barrister and Solicitor
PO Box 1049
V0G 1M0
353-2292

Ladysmith
David O'Connor
Barrister and Solicitor
22 High Street
PO Box 1890
V0R 2E0
254-7141

Langley
Langley Legal Assistance Centre
201–20189 56th Avenue
V3A 3Y6
530-5811

Lillooet
R. Kendel Kaser
Barrister and Solicitor
416 Main Street
PO Box 1449
V0K 1V0
256-7519

Nakusp
Kenneth R. Watson
Barrister and Solicitor
87 Second Avenue South
PO Box 668
V0G 1R0
265-3641

North Vancouver
Deirdre Pothecary
Barrister and Solicitor
102–145 West 15th Street
V7M 1R9
980-7000

Parksville
C.E.Fenton
Barrister and Solicitor
PO Box 1840
4–196 Morrison Avenue
V0R 2S0
248-5751

Revelstoke
Robert A. Lundberg
Barrister and Solicitor
119 Campbell Street
V0E 2S0
837-5196

Richmond
Bob Parsonage
Barristor and Solicitor
204–8055 Anderson Road
V6Y 1A1
273-9311

Salmon Arm
Jonathon Payne
Barrister and Solicitor
90 Lakeshore Drive N.W.
V0E 2T0
832-8021

Sechelt
Lorne Paton
Barrister and Solicitor
Box 1310
V0N 3A0
885-2626

Sparwood
Glen Purdy
Barrister and Solicitor
203–112 Centennial Square
PO Box 1618
V0B 2G0
425-7216

Squamish
Don Moon
Barrister and Solicitor
PO Box 1850
V0N 3G0
892-5254

Ucluelet
James Roth
PO Box 909
243 Main Street
V0R 3A0
726-4307

Vernon
William Wagner
Barrister and Solicitor
4th floor, 3201 30th Avenue
V1T 2C9
542-5353

11/91